

**Title of Regulation:**

**Regulation No.: R 43-80**

**OPERATION OF PUBLIC PUPIL  
TRANSPORTATION SERVICES**

**Effective Date: 02/23/01**

**Constitutional and Statutory Provisions:**

**Sections:**

59-5-60.	General powers of [State] Board.
59-67-240.	Other duties of driver; discipline of pupils for misconduct.
59-67-410.	Control by State Board of Education of school bus transportation.
59-67-470.	Bus drivers; selection; eligibility, training and certificates.
69-67-570.	Rules and regulations.

S.C. Code Ann. Section(s) (1990) and S.C. Code Ann. Section(s) (Supp. 2000)

**Descriptor Code: ED**

**State Board Regulation:**

**Operation of Public Pupil Transportation Services**

- A. The school district board of trustees shall be responsible to the State Board of Education for the supervision of the school transportation program in the district. This shall include the recruitment of school bus drivers, employment and dismissal of school bus drivers, supervision of school bus drivers and the pupils being transported, proposed routing of buses, accurate transportation records as to mileage, number of pupils transported pursuant to Section 59-67-100, driver's time reports, school bus safety, and enforcing all other transportation regulations. The recruitment and employment of school bus drivers and supervisory personnel is the responsibility of the school district board of trustees. The transportation of pupils is an integral and essential part of the school program, and teachers and administrative personnel shall be assigned to school bus duties in the interest of the transportation program.
- B. Transportation on regular school bus routes is authorized for public school pupils. Public school pupils include three-year to five-year old pupils that are disabled, kindergarten pupils in half-day programs, and the K-12 regularly enrolled students during the 180 day school year. Three and four-year old children attending public school-sponsored kindergarten or child development programs must be permitted to ride state-owned buses to the extent funds are made available by the General Assembly. Special programs operated and/or sponsored by the governing body of the school district may use school buses as long as transportation services are paid for by the school district at no cost to the State and do not disrupt school bus maintenance servicing or regular school bus routes. A special program is any education or other program sponsored by the school district that is not a program required by State statute or regulation to be operated by the school district. A student that is

disabled shall be accompanied by an aide if the student's Individual Education Program so specifies.

Assignment of buses for new routes will be made on the basis of actual need. Justification must be submitted showing that all buses presently assigned to the district or area are being used to the maximum before additional equipment can be assigned.

To enhance school bus routing effectiveness, kindergarten pupils shall be assigned to morning or afternoon sessions on the basis of where they live.

- C. The State shall not be required to operate buses for high school, junior high school, middle school, and elementary school pupils separately. Approval of separate transportation will be given only when such transportation can be accomplished with the same number of buses and approximately the same mileage. The schedule of work and the opening and closing hours for all schools served by the same buses must be arranged so as to facilitate a maximum amount of school work and at the same time permit the operation of a satisfactory and economical transportation program. School districts shall stagger school opening times when feasible to maximize the use of the school bus transportation system.
- D. Five-year-old through grade 12 public school pupils that have temporary physical handicaps or have a chronic disorder of lengthy duration may have their parents or guardians apply for these students to receive special school bus transportation services. The application process is as follows:
  - 1. Secure appropriate forms for the District Superintendent.
  - 2. Have the pupil examined by a licensed medical doctor and receive a written statement from the licensed medical doctor to the effect that without special school bus transportation service, unusual hardship will be experienced by the pupil in walking the required distance to the regular route.
  - 3. Submit the statement from the licensed medical doctor to the District Superintendent for approval.
  - 4. The District Superintendent shall submit the health statement with a Request For Special School Bus Transportation Service approval to the local representative of the State Department of Education. Approval by the State Department of Education shall be required before a change in a school bus route for this purpose becomes official.
  - 5. Approval for such a change in school bus routes shall terminate at the time the pupil no longer qualifies for special school bus transportation service, or when the pupil for whom the service was intended has moved residences.
- E. Each school district shall prepare route descriptions and maps in accordance with laws and regulations and, upon approval of the district's board of trustees, shall submit the route descriptions and maps to the designated

representative of the State Department of Education by October 15th of each year. Proposed changes in routes after October 15th must be approved by the designated representative of the State Department of Education before a change is made. In emergencies or unusual situations, districts may make route changes in keeping with laws and regulations with approval by telephone from the designated representative of the State Department of Education. Such approval must then be submitted in writing, with written approval received from the designated representative of the Department. Changes made without notification to and approval by the designated representative of the Department will result in the district being charged the prevailing rate per mile for permit trips. The amount for unauthorized mileage will be deducted from the district's transportation funding.

Written approval or disapproval of all routes will be provided by the State Department of Education no later than November 15th. A period of two weeks will be given to the district for corrections to be made after a notice of disapproval. Districts operating routes after November 15th that have not been approved will be considered as operating unauthorized routes and operated at the expense of the school district.

- F. School bus stops on each route shall not be closer than two-tenths of a mile apart at safe points. Stops shall have a clear visibility of 600 feet in each direction or a "School Bus Stop Ahead" sign shall be located at a point 600 feet in each direction of the designated stop. During periods of inclement weather, buses may be allowed to stop on the regular route at safe points nearest the house of each child; however, buses shall not be permitted to leave regular routes. Stops and turn-about shall not be made on blind curves, steep grades, or near the crest of hills or in any other unsafe traffic environment.
- G. Pupils shall not be transported from one district or attendance area to another when an appropriate school is provided within the district or attendance area. When an intra-district Choice Program is approved by an appropriate school district board of trustees, pupils may be transported across attendance boundaries; however, this transportation shall be provided in the most productive and cost efficient manner and shall not violate the continuous riding time restrictions provided in statute.
- H. No school bus shall stop for the purpose of picking up or discharging any non-handicapped school child living within one and one-half miles of the school, unless under the application provisions of Section 59-67-420 the child qualifies for transportation under one of the following conditions.
  - 1. Where no additional state-owned school buses are required, it will be permitted for school buses to transport children, that reside along the route, to and from school on the established route within one and one-half miles distance of the school if there are vacant seats on the school bus. When transporting children that reside within the one and one-half mile distance of the school, other provisions of law and regulations must be maintained, and the school district must assume any additional operational expense.

2. When the school district Board of Trustees of any school district desires to have children transported to and from school within one and one-half miles distance of the school, state-owned buses may be used for this purpose provided the school district Board of Trustees pay to the State Department of Education an amount per mile to be determined annually by the State Department of Education. The per-mile amount should cover at a minimum all costs associated with the provision of the equipment used to provide the service. The methodology to determine this minimum cost shall be approved by the State Board of Education. The driver salary and benefits shall be paid directly by the school district. No additional state-owned buses will be assigned for transportation of students living within one and one-half miles of the school.
- I. Regularly assigned buses may be used to transport pupils to vocational classes upon approval of the State Department of Education provided regular buses are the most cost effective method of transportation. If a regular assigned bus is not the most cost effective method, the District shall examine less costly transportation options. The State Department of Education shall reimburse the district for the least expensive alternative transportation mode. When buses are used, the class schedules shall be arranged so that buses can complete their regular morning and afternoon routes. As with all school bus transportation services, the school district Board of Trustees shall be responsible for providing adequate supervision on the bus at all times.
  - J. Buses shall be removed from routes when, in the opinion of the State Department of Education, abuse or vandalism becomes so excessive that it interferes with the maintenance and operation of buses for the regular school program.
  - K. The school district Board of Trustees must correct problems in the routing, supervision and/or use of any school bus under its jurisdiction. If problems are not corrected after official notification by the designated representative of the Department of Education, the school district shall assume all financial responsibility and all liability associated with operating the buses.
  - L. Buses shall be left at the designated school bus parking area during the school day. Exceptions:
    1. With prior written approval by the Department of Education drivers of buses may be transported by school bus pool to their home mid-day provided it can be justified economically. The Department of Education for economic justification purposes will allow a pool bus to travel a distance of no more than five miles per driver transported one way per day. Pooling shall be defined as the transportation of more than one bus driver to home or to work on a single bus. In no case shall there be an adverse economic impact upon the bus maintenance services.
    2. Drivers of buses may drive their assigned bus home mid-day when the one-way mileage does not exceed five miles. Any additional mileage shall be at the district's expense.

3. Buses may be parked at another school when there will be no adverse economic impact upon bus maintenance services.
4. At the end of the school day, drivers may drive their vehicle back to their home or a designated public parking facility only when it can be proven that to do so can be justified economically.

The exceptions for use of buses and the related economic justifications shall be part of the route and schedule plan submitted by the local school district to the Department of Education.

In exceptions 1 and 3 above, the request for approval shall include a plan to insure the proper servicing and maintenance of the bus.

The school district shall provide for safe loading and unloading of students and a suitable concrete or asphalt-paved area for the parking and servicing of buses during the school hours. The parking and service area shall be located and designed to insure that vehicular traffic, students or unauthorized personnel are not in or around parked buses during the school day and shall be in compliance with all safety regulations.

- M. Each school district is required to keep each school bus in a clean and sanitary condition. Each district is responsible for all excessive driver and passenger abuse to the buses. Any school district using a bus on a trip not authorized by the Department of Education shall assume all financial responsibility and liability.

The school district Board of Trustees shall designate, to the Department of Education, a school official to see that proper care is taken of the buses, that the buses shall not be abused; to see that drivers make required reports promptly; to assist in the investigation and collection of the cost for damages to state-owned equipment; and to aid in any proceedings, either civil or criminal.

- N. School bus drivers shall be required to have a physical examination certified by a physician prior to the testing required to operate a school bus and every two years thereafter. The examining physician's certification shall be made on forms provided by the State Department of Education or the United States Department of Transportation. The school bus driver candidate must provide the testing administrator with the certified physical examination prior to taking the school bus driver physical performance test and the commercial driver's license skills test. The school bus driver candidate must provide a copy of the physician's certification to the employing school district. A school district may require additional physical examinations as the district determines to be appropriate. The State assumes no responsibility for the cost of physical examinations required by districts.

Prospective drivers must meet all the requirements for testing for the Commercial Driver's License and not have more than four (4) points against his/her license or driving record (MVR) including no more than four (4) points against his/her license or driving record in the previous twelve months.

Drivers accumulating more than four (4) points after employment will be placed on probation, suspended without pay, or terminated as deemed appropriate by the school district based on the nature and severity of the driving offense(s).

School districts shall have a substance abuse program for school bus drivers and driver supervisory personnel. The program shall include at a minimum: (1) a substance abuse policy; (2) a substance abuse education program; (3) substance abuse testing; and (4) a substance abuse referral assistance program. The substance abuse testing program shall comply with the U. S. Department of Transportation testing program for drivers of passenger vehicles. The Department of Education shall institute a like substance abuse program for Department maintenance shop personnel.

If a bus driver receives a ticket for DUI, he/she will be suspended without pay and, if convicted of DUI, the driver shall be terminated.

- O. State-owned school buses shall comply with the minimum posted speed, if greater than 45 miles per hour, for the highway used. Except that public school buses transporting Handicapped students shall comply with Section 59-67-525.
- P. All state-owned buses shall be equipped with an operational stop-arm.
- Q. The school district Board of Trustees shall have the authority to remove a bus from a regular school bus route when it is determined that the conduct of the passengers or others endangers the life and safety of the bus driver and passengers.
- R. The school district Board of Trustees is authorized to assign seats to bus passengers when it is determined to be in the best interest of the transportation program.
- S. Each school district shall submit to the Department of Education in writing no later than May 1st of each year, any major changes in school assignments which would require a change in the number of buses for the following school year.
- T. SPECIAL TRANSPORTATION SERVICE
  - 1. When state-owned buses or boats are used by the schools for educational purposes other than transporting pupils to and from school, the cost of operation shall be borne by the school district. The operator shall be paid by the local school district. In addition, a charge for the use of the bus or boat (use fee) as determined by the State Department of Education and approved by the State Board of Education, payable to the State Department of Education, shall be made. The school district Board of Trustees will be responsible for damages to the bus or boat as a result of abuse. The bus or boat use fees are applicable to all trips other than the regularly scheduled trips

or trip segments to and from school as shown on the approved route description for the school district.

2. All drivers must complete the Department of Education School Bus Driver's Certification program and possess a School Bus Commercial Driver's License (with a "T" school bus restriction), or the appropriate Commercial Driver's License with endorsements, issued by the State Department of Public Safety. The School Bus Driver's Certification program shall verify that a driver has satisfactorily completed a rigid school bus driver training course. The training and testing of the Department of Education School Bus Driver's Certification program shall be administered by individuals so certified by the Department of Education. The school boat must be operated by the Captain designated by the Department of Education. All school bus drivers, while being licensed or certified, must complete a physical performance test to demonstrate their physical ability to operate the school bus and to carry out the evacuation of students from the school bus.
3. The use of state-owned buses and boats for purposes other than transporting pupils to and from school shall in no way conflict with the regular school schedule.
4. The use of state-owned buses and boats shall be limited to those events and activities sponsored by school districts.
5. Request for documentation of the use of buses and boats for purpose of special services must be secured from the designated representative of the Department of Education prior to the vehicle's use.
6. The use of state-owned buses for special purposes for trips outside the State shall be limited to athletic and other school activities in adjacent counties in Georgia and North Carolina with the following exceptions. In North Carolina: Polk, Henderson, Transylvania, Jackson, and Macon Counties have mountainous terrain. State-owned buses shall not be used for special activities in these counties without prior route approval by the designated representative of the Department of Education.
7. The Department of Education permit For The Use Of School Buses or Boats prepared by the school district must accompany the operator on each trip made by the bus or boat.

Should any of the above regulations governing the use of school buses or boats for special services be violated in any school district, the Department of Education may withdraw approval to use state-owned school buses or boats from any further special service.

- U. The bus or boat use fees shall be based on formula approved by the State Board of Education. The formula shall reflect the operational cost

experienced by the State Department of Education plus an appropriate vehicle replacement charge. In compliance with approved State Board of Education bus or boat use fee formula, the Department of Education shall establish an annual fee for bus and boat use.

- V. Variations from Transportation Regulations may be approved by the State Department of Education when such variations are clearly in the interest of safety, efficiency and economy. School districts seeking a variance from a regulation must submit a written request seeking approval from the Department of Education. The Department will approve or disapprove the request, in writing.
- W. In accordance with Section 59-67-520 of the Code of Laws of South Carolina, as amended, it is hereby declared the policy of the State Board of Education to provide transportation for handicapped children within an school district to the nearest school in which a class is located serving the pupil's disabilities.
- X. Eligibility for Transportation - Eligibility for transportation under the above provisions shall be limited to the following types of disabilities:
  - 1. Trainable mentally handicapped (TMH)
  - 2. Deaf-blind (DB)
  - 3. Hearing handicapped (HH)
  - 4. Visually handicapped (VH)(Legally Blind)
  - 5. Emotionally handicapped (EH)(Severely)
  - 6. Orthopedically handicapped (OH)
  - 7. Educable mentally handicapped (EMH)
  - 8. Learning disabled (LD)
  - 9. Other health impaired (OHI)
  - 10. Pre-school handicapped
  - 11. Profoundly mentally handicapped (PMH)
  - 12. Traumatic brain injury (TBI)
  - 13. Autistic
  - 14. Other disabilities identified in Section 504 of the Rehabilitation Act and the Americans With Disabilities Act.

Legal age for transporting children with disabilities are three (3) and four (4) years old and public school students (K-12) except for the hearing and visually handicapped which is 4-21 years of age. Students with disabilities may be transported on regular route school buses.

- Y. District Boards of Trustees shall be responsible for locating classes for children with the above disabilities in or near the geographic center of the district or area so that all children with these disabilities can be transported on the same bus. The State Department of Education shall not be required to provide separate transportation for children with disabilities.
- Z. Transportation will be provided either on state-owned buses or by contract between the State Department of Education and the school district, whichever is most economical to the State.

The following procedure shall be used in requesting transportation:



1. State-Owned Buses - State-owned buses will be assigned when the number of eligible students (usually minimum of 6) live within an area to make a bus route feasible from a time and mileage standpoint. School district officials shall submit a map and route description to the designated representative of the State Department of Education to justify assignment of the bus. Maps and descriptions will be submitted annually in the same manner as for regular bus routes.
2. Contract Transportation - Contract transportation will be limited to pupils who cannot be transported efficiently by state-owned buses. The following procedures will be used in requesting contract transportation.
  - a. The State Department of Education will be notified of the name of the pupil, location of residence, and school to which such pupil(s) is to be assigned. If it is determined that the pupil or pupils can not be transported on a bus already assigned to the district or if the number of pupils is insufficient to justify an additional bus, then, a contract will be signed between the school district and the parent or other individuals for transportation.
  - b. Contracts between the school district and parents or other individuals to transport one child will be based on a rate per mile as determined by the State Department of Education and approved by the State Board of Education for each 90 school days. If more than one student is transported, the contract may be used on the rate per vehicle or passenger mile for the actual number of miles traveled.
  - c. When it is in the best interest of the State, contracts may be written for transporting students who live within 2 miles of the school. The State Board of Education shall establish the funding limitation on the basis of a designated amount of dollars per student for 90 school days.
  - d. The maximum payment for transportation for any one pupil shall not exceed the amount established annually by the State Board of Education for each 90 school days unless a special exception is approved by the State Board of Education.
  - e. All proposed contracts must be approved by the State Department of Education prior to commencing transportation. Reimbursement will be from the date of approval.
  - f. Contract transportation will not be approved if transportation on state-owned buses is more cost effective or productive except when otherwise required by the student's Individual Education Plan. Exceptions may be made in extreme cases upon written recommendation of the affected pupil's licensed medical doctor and the school district and upon approval by the State Department of Education.

**R43-80 (p. 10)**

- AA. Transportation will be provided only during the regular school term not to exceed 180 school days.
- BB. Transportation on state-owned buses or by contract of pupils attending multi-district programs or programs conducted by agencies other than the public schools, will be provided only if the home district has received approval of "another facilities agreement" from the State Department of Education. This approval must be received prior to commencing transportation. The home district is responsible for securing contracts for transportation routes and for the requisitioning of funds.
- CC. Persons contracting to provide transportation must have insurance coverage at least equal to that carried on state-owned buses as required by Section 59-67-710 of the Code of Laws of South Carolina, as amended.
- DD. Reimbursement to the district for contracts shall be made at the end of each 90 school days. Request for reimbursement shall be submitted on a form furnished by the State Department of Education. The request for reimbursement shall be pro-rated if pupil attends less than 90 school days.
- EE. The Department of Education will establish a School Bus Specifications Committee for the purpose of creating specifications for the procurement of state-owned school buses. The Committee will be composed of members of the General Assembly or their designees; representatives of the business community; mechanical engineers profession; both local school district and state student transportation officials representing school bus maintenance, administration, driver training, and operations; and a representative of the Budget and Control Board, Materials Management Office. The State Superintendent of Education or designee will make Committee appointments. The Committee will be responsible for reviewing, amending, and developing school bus specifications for all types of school buses purchased by the State. These specifications will assure that the student transportation needs of the State are efficiently and effectively addressed. The Committee will recommend the specifications to the State Superintendent of Education or designee for approval.